

EXHIBIT 4

**EXHIBIT TO
JOINT PRETRIAL ORDER**

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

VIRGINIA ELIZONDO,

Plaintiff,

v.

SPRING BRANCH ISD, et al.,

Defendants.

§
§
§
§
§
§
§
§
§

CIV. ACTION NO. 4:21-CV-1997

DEFENDANTS' OBJECTIONS TO PLAINTIFF'S TRIAL EXHIBITS

Defendants, the Spring Branch Independent School District and its Board of Trustees, object to the introduction of Plaintiff's Exhibits No. 14, 28, 30, 39-40, 43, 46, 48-49, 51, 54, 59-61, 76-77, and 89 for the following reasons:

A. Exhibit No. 14:

Defendants object to Plaintiff's Exhibit No. 14 because it contains speculation and hearsay. Further, to the extent the exhibit sets forth information about minority groups other than the subject minority group (Hispanics), the exhibit is irrelevant. The exhibit contains data and conclusions created by persons who are not the sponsor of the exhibit, and contains speculative or conclusory statements by unknown authors. The exhibit contains out-of-court statements offered for the truth of the matters asserted therein.

B. Exhibit No. 28:

Defendants object to Plaintiff's Exhibit No. 28 because it contains hearsay, and because it is irrelevant and/or any potential relevance is outweighed by undue prejudice. The exhibit is not relevant to SBISD, but is rather a document from a third-party non-litigant company regarding

matters not at-issue in this suit. The author of the document will not testify. The exhibit contains out-of-court statements offered for the truth of the matters asserted therein.

C. Exhibit No. 30:

Defendants object to Plaintiff's Exhibit No. 30 because it is unauthenticated, contains hearsay, and because it is irrelevant and/or any potential relevance is outweighed by undue prejudice. The author of this document will not testify. The exhibit contains out-of-court statements offered for the truth of the matters asserted therein. It is believed that this document will be used to show that Chris Earnest lives on Wade Hampton Road, however it is unknown whether this is the same Wade Hampton, making this document irrelevant. Further, even if the street is named after this Wade Hampton, that is not relevant to any question at-issue in this lawsuit.

D. Exhibit No. 39:

Defendants object to Plaintiff's Exhibit No. 39 because it contains hearsay and speculation. This text message is from a person who will not testify to sponsor the exhibit and speculates about matters outside of the speaker's personal knowledge. The exhibit contains out-of-court statements offered for the truth of the matters asserted therein.

E. Exhibit No. 40:

Defendants object to Plaintiff's Exhibit No. 40 because it contains hearsay. This text message is from a person who will not testify to sponsor the exhibit. The exhibit contains out-of-court statements offered for the truth of the matters asserted therein.

F. Exhibit No. 43:

Defendants object to Plaintiff's Exhibit No. 43 because it is unauthenticated. There is no context to show where this sign was posted, by whom, or when. Moreover, without context the sign is irrelevant and/or any potential relevance is outweighed by undue prejudice.

G. Exhibit No. 46:

Defendants object to Plaintiff's Exhibit No. 46 because it contains hearsay. The author of the document will not testify. The exhibit contains out-of-court statements offered for the truth of the matters asserted therein.

H. Exhibit No. 48:

Defendants object to Plaintiff's Exhibit No. 48 because it is unauthenticated. Further, it is irrelevant and/or any potential relevance is outweighed by undue prejudice. The author of the purported note is unknown. The exhibit is irrelevant and prejudicial because, without knowing the author, it is not possible to know the author's purpose of the document.

I. Exhibit No. 49:

Defendants object to Plaintiff's Exhibit No. 49 because it is unauthenticated. Further, it is irrelevant and/or any potential relevance is outweighed by undue prejudice. The author of the purported note is unknown. The exhibit is irrelevant and prejudicial because, without knowing the author, it is not possible to know the author's purpose of the document.

J. Exhibit No. 51:

Defendants object to Plaintiff's Exhibit No. 51 because it is hearsay and because it is unauthenticated. The author of the document – "Bob" – is an unknown person who will not testify. The exhibit contains out-of-court statements offered for the truth of the matters asserted therein.

K. Exhibit No. 54:

Defendants object to Plaintiff's Exhibit No. 54 because it contains hearsay and speculative statements. The author of the email will not testify. The statements in the email speculate about the intent of others with regard to yard signs. The exhibit contains out-of-court statements offered for the truth of the matters asserted therein.

L. Exhibit No. 59:

Defendants object to Plaintiff's Exhibit No. 59 because it is unauthenticated and contains hearsay. The source of this document and the data therein is unknown, and the information contained therein cannot be verified. The exhibit contains out-of-court statements offered for the truth of the matters asserted therein.

M. Exhibit No. 60:

Defendants object to Plaintiff's Exhibit No. 60 because it is unauthenticated and contains hearsay. The source of this document and the data therein is unknown, and the information contained therein cannot be verified. The exhibit contains out-of-court statements offered for the truth of the matters asserted therein.

N. Exhibit No. 61:

Defendants object to Plaintiff's Exhibit No. 61 because it is unauthenticated and contains hearsay. The source of this document and the data therein is unknown, and the information contained therein cannot be verified. If US News is the source, no witness from US News will testify. The exhibit contains out-of-court statements offered for the truth of the matters asserted therein.

O. Exhibit No. 76:

Defendants object to Plaintiff's Exhibit No. 76 because it is unauthenticated and contains hearsay. The author of the email will not testify at the trial. The exhibit contains out-of-court statements offered for the truth of the matters asserted therein.

P. Exhibit No. 77:

Defendants object to Plaintiff's Exhibit No. 77 because it contains hearsay. Further, it is irrelevant and/or any potential relevance is outweighed by undue prejudice. The exhibit reflects the requests of a small group of persons and does not assist the Court with answering any question at-issue in

this case. The exhibit contains out-of-court statements offered for the truth of the matters asserted therein.

Q. Exhibit No. 89:

Defendants object to Plaintiff's Exhibit No. 89 because it is unauthenticated and because it contains hearsay. The author is unknown, and the data therein is unverified. If the author is the TEA, no person from TEA is scheduled to testify at the trial. The exhibit contains out-of-court statements offered for the truth of the matters asserted therein.

PRAYER

For the reasons above, Defendants pray this Court SUSTAIN Defendants' Objections to Plaintiff's Trial Exhibits as set forth above and EXCLUDE these exhibits from the trial record in this matter.

Respectfully submitted,

**ABERNATHY, ROEDER, BOYD &
HULLETT, P.C.**

/s/Charles J. Crawford

Charles J. Crawford

State Bar No. 05018900

Lucas C. Henry

State Bar No. 24101901

1700 Redbud Blvd., Ste. 300

McKinney, Texas 75069

(214) 544-4000 Telephone

(214) 544-4040 Facsimile

ccrawford@abernathy-law.com

lhenry@abernathy-law.com

ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

I certify that the foregoing objections were served on Plaintiff's counsel on October 6, 2023, as part of the Pre-Trial Order.

/s/ Lucas C. Henry
Lucas C. Henry

CERTIFICATE OF CONFERENCE

I certify that I conferenced with counsel for Plaintiff regarding the foregoing objections on October 4, 2023, and the above-listed objections were not resolved.

/s/ Lucas C. Henry
Lucas C. Henry